

**Staff Report**



**Zoning & Land Regulation Committee**

Public Hearing: **May 27, 2025**

Zoning Amendment Requested:

**RM-16 Rural Mixed-Use District TO FP-1 Farmland Preservation District**

Size: **25 Acres**

Survey Required: **No**

Reason for the request:

**Transfer one development right to another property**

**Petition 12159**

Town, Section:

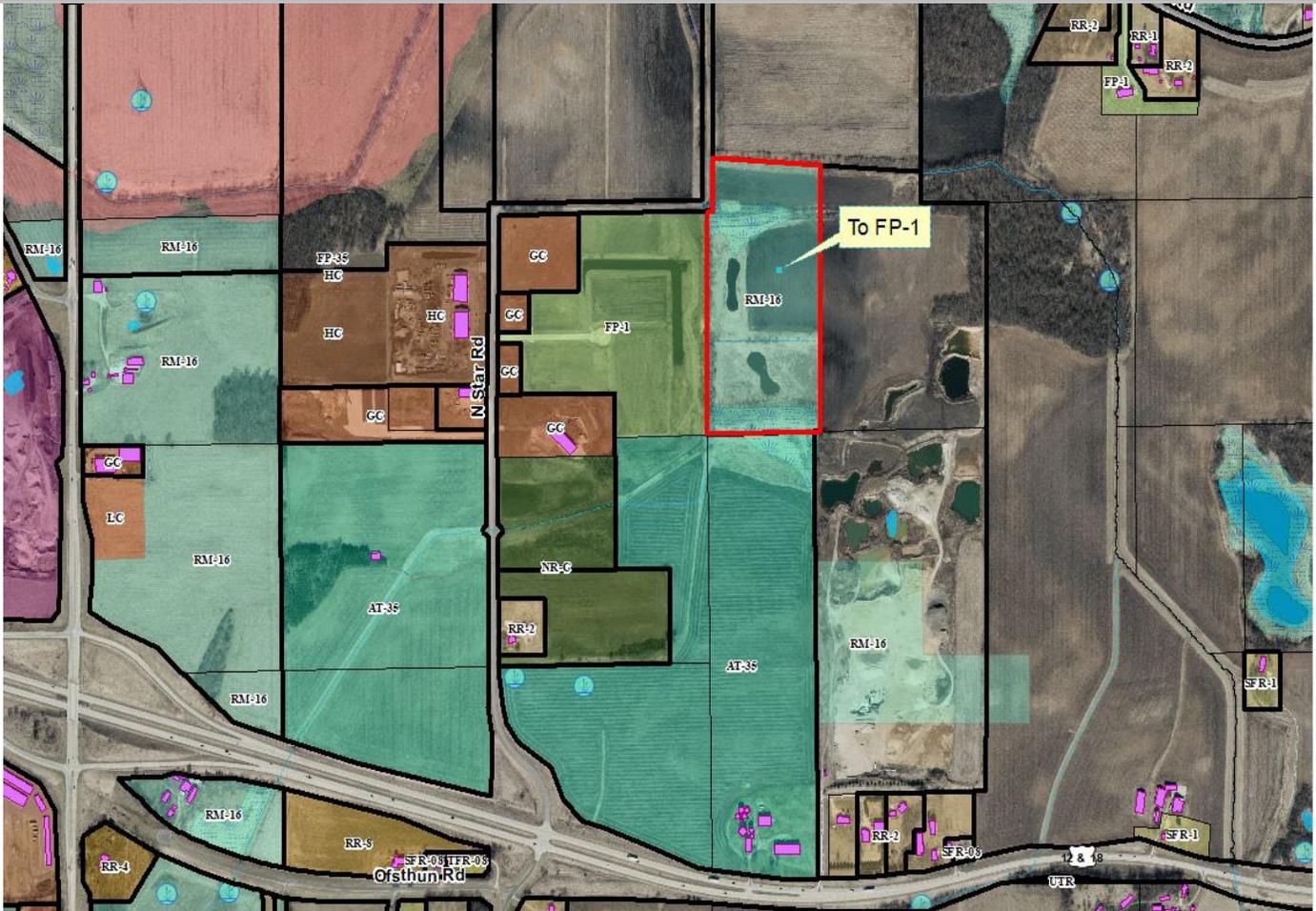
**COTTAGE GROVE, Section 27**

Applicant:

**KIRK AND HEIDI EILENFELDT**

Address:

**EAST OF 3436 N. STAR RD.**



**DESCRIPTION:** Kirk and Heidi Eilenfeldt would like to rezone this 25-acre parcel in Section 27 from RM-16 to FP-1, and transfer the remaining development right from this land to another parcel (0711-144-8001-0 located on Ridge Road, Section 14) in order to construct a new home. This petition is associated with another rezone petition #12160 to rezone the other property for residential use.

**OBSERVATIONS:** Subject property has limited development potential as it contains a waterway (confirmed to be navigable and thus subject to shoreland zoning limitations), wetlands, and hydric soils.

**COMPREHENSIVE PLAN:** The property is located within the town’s Agricultural Preservation Area. According to the Town’s Comprehensive Plan, density units (development rights, or “splits”) may be transferred from the Agricultural Preservation Area to another property within the Agricultural Preservation Area at a ratio of 1:1. Additionally, the sending area must record a TDR agricultural conservation easement on that land. The proposed sending property is zoned RM-16 and therefore has a residential building right associated with the property.

Among other criteria, Cottage Grove’s Comprehensive Plan states that petitions to rezone and divide TDR Receiving Areas must: “minimize the amount of land taken out of agricultural production”, “create a logical development pattern”, “avoid or minimize land use conflicts”. Additionally, a one to one transfer of development rights also requires that the

receiving site have land that is *less* suitable for agricultural use, as determined through the County Land Conservation soil groupings. Finally, receiving sites must follow the Residential Development Siting standards in the Agricultural Preservation Area. This includes directing non-farm residences away from Group I or II soils unless they are unavoidable, minimizing the use of flag lots, and siting residences along tree lines and at the edges of fields rather than the middle. Petition 12160, which involves the residential rezone on the TDR-R property, depicts a flag lot that is located in the middle of an existing farm field and is located on Group I and II soils, although locating a site off these soils is probably unavoidable. Additionally, according to County data, the soil types on the receiving site are more suitable for agricultural use, thereby contradicting the TDR requirement that a receiving area be less suitable for agricultural use. This lot could likely be redrawn to be more rectangular, closer to the road, and/or along the edge of a field. This configuration would better meet the requirements of a TDR Receiving Area in the Comp Plan, however it would still be located on a site that is more suitable for agricultural use than the TDR Sending Area.

Should this petition be approved, as a condition of approval, a TDR-R Overlay Zoning District should be placed on the “receiving” property and a TDR-S Overlay Zoning District should be placed on the “sending” property. Additionally, deed restrictions should be recorded which 1) document and acknowledge this transfer via TDR and 2) prohibit additional land divisions on the sending property.

For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or [Allan.Majid@danecounty.gov](mailto:Allan.Majid@danecounty.gov).

**RESOURCE PROTECTION:** Site contains a navigable waterway, wetlands, hydric soils. The proposed rezoning would enable continued agricultural use and prohibit development.

**TOWN ACTION:** On May 5<sup>th</sup> the Town Board recommended approval of this rezone conditioned on the applicants recording a Deed Notice on parcel # 0711-273-9600-0 (the sending property), noting the split is to be transferred to a new residential lot proposed to be created by Rezone petition #12160, which the Town Plan Commission tabled until May 28<sup>th</sup> because the petitioner wanted to adjust the lot size.

**STAFF RECOMMENDATION:** Staff recommends postponement until the town has approved the companion rezone petition #12160 that would use the development right being transferred. Pending that town action, and any comments at the public hearing, possible conditions of approval would include TDR-S Overlay zoning and the recording of the deed notice to document the transfer of development rights.

Please contact Rachel Holloway at (608) 266-9084 or [holloway.rachel@danecounty.gov](mailto:holloway.rachel@danecounty.gov) if you have questions about this petition or staff report.